

Notice of Allowability

Application No. 09/437,648	Applicant(s) Miller et al.
Examiner Phung Nguyen	Group Art Unit 2736

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to amendment filed on 05/19/00.
- The allowed claim(s) is/are 1-11 and 18-22 (renumbered as 1-16).
- The drawings filed on Nov 10, 1999 are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been
- received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- Applicant MUST submit NEW FORMAL DRAWINGS
- because the originally filed drawings were declared by applicant to be informal.
- including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.
- including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

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DETAILED ACTION

Allowable Subject Matter

1. Claims 1-11 and 18-22 are allowed.

The following is an examiner's statement of reasons for allowance:

Many references in the art disclose a warning system for detecting presence of a child in an infant seat, a toxic gas detection with a time measurement sensor, and an emergency trunk release apparatus. Most of those references are comprising a control unit for generating an alarm signal when the occupant detection mechanism detects the presence of an occupant within the infant seat, the carbon monoxide detector detects the presence of carbon monoxide in an air sample by measuring the time required for the sensor circuitry to charge, and the lock bypass panel consists of an activation switch that is wired in parallel with a vehicle's electric trunk release such that its actuation will cause the trunk to open, such as that found in Rossi [U.S. Pat. 5,949,340], Sweetman et al. [U.S. Pat. 5,682,145], and Penny, Jr. [U.S. Pat. 6,018,292]. But no prior art reference utilizes :

A breathing detector which is disposed within the trunk, which is adapted to detect the breathing of the individual, and which generates a signal upon the detection of the breathing; and a controller assembly which is communicatively coupled to the breathing detector, which receives the signal, and which opens the trunk upon receipt of the signal.

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The measuring an amount of carbon-dioxide within the trunk of the vehicle; and using said measured amount of carbon dioxide to determine the presence of the child within the trunk of the vehicle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

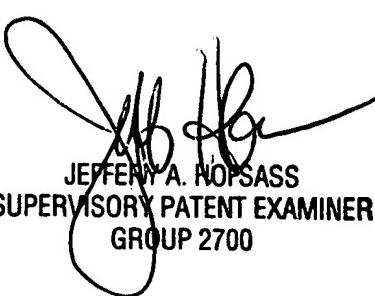
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is (703)308-6252. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)305-4717. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Phung Nguyen

Date: May 31, 2000


JEFFERY A. HOFSASS
SUPERVISORY PATENT EXAMINER
GROUP 2700